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RICHARD W. BOWLING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

JCS

15 EQUAL EMPLOYMENT OPPORTUNITY
16 COMMISSION,

17 Plaintiff,

18 v.

19 MID VALLEY LABOR SERVICES, INC.,

20 Defendant.

Civil Action No.

CV 10 2560

COMPLAINT

Civil Rights - Employment
Discrimination

DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

21 This action is brought pursuant to Title VII of the Civil Rights Act of 1964 and
22 Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the
23 basis of sex and retaliation, and to provide appropriate relief to Magnolia Gomez-Lopez
24 and Emelia Rios and similarly situated women who were adversely affected by such
25 practices. Defendant subjected Ms. Gomez-Lopez and Rios and similarly situated
26 women to unlawful discrimination based on their sex, and to unlawful retaliation after
27 they expressed their opposition to the unlawful discrimination.

JURISDICTION AND VENUE

28 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
1337, 1343 and 1345. This action is authorized and instituted pursuant to Section

1 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
2 §2000e-5(f)(1) and (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C.
3 §1981a.

4 2. The unlawful employment practices alleged herein were committed in the
5 State of California, in the County of Sonoma. Venue is therefore proper in the United
6 States District Court for the Northern District of California.

7 **INTRADISTRICT ASSIGNMENT**

8 3. This action is appropriate for assignment to the San Francisco/Oakland
9 Division of this court as the violations alleged in the complaint took place in Sonoma
10 County.

11 **PARTIES**

12 4. Plaintiff, the Equal Employment Opportunity Commission
13 ("Commission") is the agency of the United States of America charged with the
14 administration, interpretation and enforcement of Title VII, and is expressly authorized
15 to bring this action by Section 706(f)(1) and (3) of Title VII, §2000e-5(f)(1) and (3).

16 5. Defendant Mid Valley Labor Services, Inc. is a California corporation,
17 doing business in the State of California, and has continuously had at least 15
18 employees.

19 6. At all relevant times, Defendant Mid Valley Labor Services has
20 continuously been an employer engaged in an industry affecting commerce, within the
21 meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e(b), (g) and (h).

22 **STATEMENT OF CLAIMS**

23 **FIRST CLAIM FOR RELIEF**

24 **Violation of Title VII Based on Sex Discrimination: Harassment**

25 7. More than thirty days prior to the institution of this lawsuit, Charging
26 Parties Magnolia Gomez-Lopez and Emelia Rios ("Charging Parties") filed charges
27 with Plaintiff Commission alleging violations of Title VII by Defendant Mid Valley
28 Labor Services, Inc. All conditions precedent to the institution of this lawsuit have been

1 fulfilled.

2 8. Since at least April 21, 2008 for Charging Party Gomez-Lopez and May 5,
3 2008 for Charging Party Rios, Defendant has engaged in unlawful practices of sex
4 discrimination in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by
5 subjecting Charging Parties and similarly situated women to harassment because of
6 their sex, including but not limited to sexual comments, sexual propositions, and
7 statements that Charging Parties and similarly situated women would have to engage in
8 sexual relations to keep their jobs.

9 9. The effect of the actions complained of in paragraph 8 above has been to
10 deprive Charging Parties and similarly situated women of equal employment
11 opportunities and otherwise adversely affect their status as employees because of sex.

12 10. The unlawful employment practices complained of in paragraph 8 above
13 were intentional.

14 11. The unlawful employment practices complained of in paragraph 8 above
15 were done with malice or with reckless indifference to the federally protected rights of
16 Charging Parties and similarly situated women.

17 **SECOND CLAIM FOR RELIEF**

18 **Violation of Title VII Based on Retaliation**

19 12. Plaintiff Commission hereby incorporates the allegations of paragraphs 1
20 through 8 above as though fully set forth herein.

21 13. In addition to the above-referenced discrimination, Defendant engaged in
22 unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C.
23 §2000e-3(a) by subjecting Charging Parties to retaliation because of their opposition to
24 the sex discrimination referenced herein at paragraph 8, including but not limited to the
25 termination of Charging Parties' employment on or about May 26, 2008.

26 14. The effect of the actions complained of in paragraph 13 above has been to
27 deprive Charging Parties of equal employment opportunities and otherwise adversely
28 affect their status as employees because of their protected activity.

15. The unlawful employment practices complained of in paragraph 13 above were intentional.

16. The unlawful employment practices complained of in paragraph 13 above were done with malice or with reckless indifference to the federally protected rights of Charging Parties.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, servants, employees, attorneys, successors, assigns, and all persons acting in concert or participation with them, from engaging in discrimination based on sex, including harassment, and retaliation against their employees.

B. Order Defendant to institute and carry out policies, practices, and programs which prohibit sex discrimination, including harassment, and retaliation, and which eradicate the effects of its unlawful employment practices.

C. Order Defendant to make whole Charging Parties and similarly situated women by providing appropriate back pay and benefits with prejudgment interest, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement to prior positions and/or front pay and other appropriate relief to be determined at trial.

D. Order Defendant to make whole Charging Parties and similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of above, including but not limited to such out-of-pocket expenses as medical care necessitated by Defendant's unlawful conduct, in amounts to be determined at trial.

E. Order Defendant to make whole Charging Parties and similarly situated women by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above including, but not limited to emotional pain and suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts

1 to be determined at trial.

2 F. Order Defendant to pay Charging Parties and similarly situated women
3 punitive damages for the malicious and reckless conduct described above, in amounts to
4 be determined at trial.

5 G. Grant such further relief as the Court may deem just and proper in the
6 public interest.

7 H. Award the Commission its costs of this action.

8 **DEMAND FOR JURY TRIAL**

9 The Commission demands a jury trial on all questions of fact raised by its
10 complaint.

11
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18 Dated: June 9, 2010

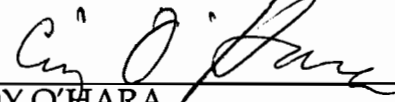


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19
20 Dated: June 9, 2010

/S/ David Offen-Brown
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23 Dated: June 9, 2010



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